

Public Chapter 539

HOUSE BILL NO. 1819

By Representatives Kent, McDaniel, Davis, Stamps, Pleasant, Armstrong, Stulce

Substituted for: Senate Bill No. 1931

By Senators Person, Miller, Fowler, Atchley, McNally, Jordan, Koella, Ramsey, Carter, Elsea, Leatherwood, Crowe, Williams

AN ACT to provide for guidelines for determining whether an emergency response worker has been exposed to life-threatening diseases and to amend Tennessee Code Annotated, Title 68, Chapter 10, Part 1.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Title 68, Chapter 10, Part 1, is amended by adding a new section which shall read as follows.

(a) If in the course of performing normal, authorized professional job duties, a member of one of the categories of individuals listed in subsection (d) of this section believes that he or she may have been exposed to potentially life threatening airborne or bloodborne diseases, including, but not limited to, tuberculosis, HIV or hepatitis B, such person has the right to request in writing that the individual who may have exposed such person be evaluated to determine the presence of such disease or diseases. Such request shall be made to the designated exposure control officer of the responding agency or county medical examiner who shall conduct the evaluation pursuant to the rules provided for in subsection (c).

(b) Any such evaluation shall include all medical records held by the Department of Health, any health care provider, or health care facility pertaining to the individual who is the subject of the evaluation. Any information provided shall be made available in accordance with the rules provided for in subsection (c) and shall be used only for the purpose of performing the evaluation and shall be otherwise confidential. Any cost related to the evaluation shall be paid by the responding agency.

(c) Any evaluation provided for in subsection (a) shall be conducted pursuant to public necessity rules promulgated by the Commissioner of the Department of Health consistent with federal regulations for such determination of exposure experienced by emergency response workers. Any agency, individual, or facility providing any assistance or information necessary for completing such evaluation shall not incur any civil or criminal liability as a result of providing such assistance or information consistent with the rules promulgated pursuant to this subsection.

(d) The categories of individuals who may request such evaluations are: paramedics, emergency response employees, fire fighters, first response

workers, emergency medical technicians, and volunteers making an authorized emergency response.

SECTION 2. This act shall take effect immediately upon passage, the public necessity requiring it.